



Attorney Docket No. 22845.00

Customer No. 37833

Confirmation No. 4678

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT APPLICATION* OF:

APPLICANT : JEFFREY M. SIEGEL *et al.*

APPL. NO. : 10/622,507

ART UNIT : 3727

FILED : JULY 21, 2003

EXAMINER : CASTELLANO, S.

TITLED : ELASTIC LOOP FOR SECURING A BAG TO A TRASHCAN

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated October 27, 2005, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 5-9, drawn to an elastic loop/trash can combination.
- II. Claims 10-12, drawn to an elastic loop.

The Examiner states that the inventions of Groups I and II are related as combination and subcombination. In order to establish that the inventions of Groups I and II are distinct, the Examiner asserts that the combination of Group II does not require the particulars of the subcombination of

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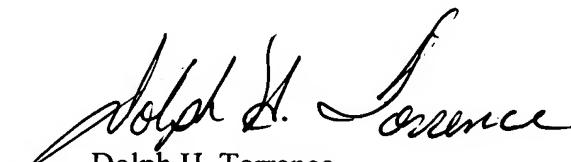
Group II for patentability. The Examiner also alleges that the elastic loop of Group II has separate utility such as a band for securing produce, for example.

In compliance with the Examiner's restriction requirement, Applicants provisionally elect with traverse for further prosecution the invention defined by Claims 1-4 (designated as Group II).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicants contend that he should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Accordingly, it is respectfully requested that the Examiner withdraw the restriction requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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